

FILED
Los Angeles Superior Court

NOV 10 2014

Sheri R. Carter, Executive Officer/Clerk

By: K. Gaudreau Deity

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

In re Personal Injury Cases Assigned to the) Case No.: **BC568381**
Personal Injury Courts (Departments 91, 92,) **THIRD AMENDED GENERAL ORDER**
93, and 97) **RE PERSONAL INJURY COURT ("PI**
Court") PROCEDURES (Effective as of
November 4, 2014)

DEPARTMENT: 91 92 93 97

FINAL STATUS CONFERENCE ("FSC"):

- Date: _____ at 10:00 a.m.

TRIAL:

- Date: _____ at 8:30 a.m.

OSC re DISMISSAL (Code Civ. Proc., § 583.210):

- Date: _____ at 8:30 a.m.

TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY:

Pursuant to the California Code of Civil Procedure ("C.C.P."), the California Rules of Court, and the Los Angeles County Court Rules ("Local Rules"), the Los Angeles Superior Court ("LASC" or "Court") HEREBY AMENDS AND SUPERSEDES ITS APRIL 4, 2014 AMENDED GENERAL ORDER AND

1 GENERALLY ORDERS AS FOLLOWS IN THIS AND ALL OTHER GENERAL
2 JURISDICTION PERSONAL INJURY ACTIONS:

3 Effective March 18, 2013, the Court responded to systemic budget reductions by
4 centralizing the management of more than 18,000 general jurisdiction personal injury cases
5 in the Stanley Mosk Courthouse. LASC opened three Personal Injury Courts ("PI Courts")
6 (Departments 91, 92 and 93), and on January 6, 2014, a fourth (Department 97) to adjudicate
7 all pretrial matters for these cases. It also established a Master Calendar Court (Department
8 One), to manage the assignment of trials to 31 dedicated Trial Courts located countywide.
9 This Amended General Order lays out the basic procedures for the PI Courts' management of
10 pretrial matters. The parties will find additional information about the PI Courts on the
11 court's website, *www.lacourt.org*.
12

13 1. To ensure proper assignment to a PI Court, Plaintiff(s) must carefully fill out the Civil
14 Case Cover Sheet Addendum (form LACIV 109). The Court defines "personal injury" as:

15 "an unlimited civil case described on the Civil Case Cover Sheet Addendum and
16 Statement of Location (LACIV 109) as Motor Vehicle-Personal Injury/Property
17 Damage/Wrongful Death; Personal Injury/Property Damage/Wrongful Death-
18 Uninsured Motorist; Product Liability (other than asbestos or
19 toxic/environmental); Medical Malpractice-Physicians & Surgeons; Other
20 Professional Health Care Malpractice; Premises Liability; Intentional Bodily
21 Injury/Property Damage/Wrongful Death; or Other Personal Injury/Property
22 Damage/Wrongful Death. An action for intentional infliction of emotional
23 distress, defamation, civil rights/discrimination, or malpractice (other than
24 medical malpractice), is not included in this definition. An action for injury to
25 real property is not included in this definition." Local Rule 2.3(a)(1)(A).
26
27

1 The Court will assign a case to the PI Courts if plaintiff(s) check any of the following
2 boxes in the Civil Case Cover Sheet Addendum:

3 A7100 Motor Vehicle – Personal Injury/Property Damage/Wrongful

4 Death

5 A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured

6 Motorist

7 A7260 Product Liability (not asbestos or toxic/environmental)

8 A7210 Medical Malpractice – Physicians & Surgeons

9 A7240 Medical Malpractice – Other Professional Health Care Malpractice

10 A7250 Premises Liability (e.g., slip and fall)

11 A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g.,
12 assault, vandalism etc.)

13 A7220 Other Personal Injury/Property Damage/Wrongful Death

14
15 The Court will not assign cases to the PI Courts if plaintiff(s) check any boxes
16 elsewhere in the Civil Case Cover Sheet Addendum (any boxes on pages two and
17 three of that form).
18

19
20 2. The Court sets the above dates in this action in the PI Court circled above
21 (Department 91, 92, 93, or 97) at the Stanley Mosk Courthouse, 111 North Hill Street, Los
22 Angeles, CA 90012. Cal. Rules of Court, Rules 3.714(b)(3), 3.729.

23 **SERVICE OF SUMMONS AND COMPLAINT**

24 3. Plaintiff(s) shall serve the summons and complaint in this action upon defendant(s)
25 within three years of the date when the complaint is filed. C. C. P. § 583.210, subd. (a). On
26 the OSC re Dismissal date noted above, the PI Court will dismiss the action and/or all
27

1 unserved parties unless the plaintiff(s) show cause why the action or the unserved parties
2 should not be dismissed. C.C.P. §§ 583.250; 581, subd. (b)(4).

3 4. The Court sets the above trial and FSC dates on condition that plaintiff(s) effectuate
4 service on defendant(s) of the summons and complaint within six months of filing the
5 complaint. Upon a showing that the plaintiff(s) failed to effect service within six months, the
6 PI Court will vacate the trial and FSC date noted above.
7

8 **STIPULATIONS TO CONTINUE TRIAL**

9 5. Provided that all parties agree (and there is no violation of the "five-year rule," C.C.P.
10 § 583.310), the parties may advance or continue any trial date in the PI Courts without
11 showing good cause or articulating any reason or justification for the change. To continue or
12 advance a trial date, the parties (or their counsel of record) should jointly execute and file (in
13 Room 102 of the Stanley Mosk Courthouse; fee required) a Stipulation to Continue Trial,
14 FSC and Related Motion/Discovery Dates (form available on the court's website, Personal
15 Injury Court link). The PI Courts schedule FSCs for 10:00 a.m., eight (8) court days before
16 the trial date. Parties seeking to continue the trial and FSC dates shall file the Stipulation at
17 least eight court days before the FSC date. Parties seeking to advance the trial and FSC
18 dates shall file the Stipulation at least eight court days before the proposed advanced FSC
19 date. Code Civ. Proc., § 595.2; Govt. Code § 70617, subd. (c)(2).
20

21 **NO CASE MANAGEMENT CONFERENCES**

22 6. The PI Courts do not conduct Case Management Conferences. The parties need not
23 file a Case Management Statement.
24
25
26
27

LAW AND MOTION

**ANY DOCUMENTS WITH DECLARATIONS AND/OR EXHIBITS MUST BE
TABBED. CRC §3.1110(f)**

**ALL DEPOSITION EXCERPTS REFERENCED IN BRIEFS MUST BE MARKED
ON THE TRANSCRIPTS ATTACHED AS EXHIBITS. CRC §3.1116(c)**

**If your filing is not tabbed or depositions are not marked, do not file without the
tabs or marked depositions unless today is the last day for filing. If so, you must
file a tabbed/marked copy with the clerk in the department where your motion will
be heard within 2 court days.**

Chambers Copies Required

7. In addition to filing original motion papers in Room 102 of the Stanley Mosk
Courthouse, the parties must deliver, directly to the PI Court courtrooms, an extra copy
(marked "Chambers Copy") of reply briefs and all other motion papers filed less than seven
(7) court days before a hearing calendared in the PI Courts. The PI Courts also strongly
encourage the parties filing and opposing lengthy motions, such as motions for summary
judgment/adjudication, to submit one or more three-ring binders organizing the Chambers
Copies behind tabs.

Reservation of Hearing Date

8. Parties are directed to reserve hearing dates for motions in the PI Courts using the
Court Reservation System available online at www.lacourt.org (link on homepage). Parties or
counsel who are unable to utilize the online Court Reservation System may reserve a motion
hearing date by telephoning the PI Court courtroom, Monday through Friday, between 3:00
p.m. and 4:00 p.m.

Withdrawal of Motion

9. California Rules of Court, Rule 3.1304(b) requires a moving party to notify the court
immediately if a matter will not be heard on the scheduled date. In keeping with that rule, the

1 PI Courts urge parties who amend pleadings in response to demurrers to file amended
2 pleadings before the date when opposition to the demurrer is due so that the PI Courts do not
3 needlessly prepare tentative rulings on demurrers.

4 **Discovery Motions**The purpose of an Informal Discovery Conference ("IDC") is to assist
5 the parties to resolve and/or narrow the scope of discovery disputes. Lead trial counsel on
6 each side, or another attorney with full authority to make binding agreements, must attend in
7 person. The PI judges have found that, in nearly every case, the parties amicably resolve
8 disputes with the assistance of the Court. 11. Parties must participate in an IDC before a
9 Motion to Compel Further Responses to Discovery will be heard, unless, the moving party
10 submits evidence, by way of declaration, that the opposing party has failed or refused to
11 participate in an IDC. Scheduling or participating in an IDC does not extend any deadlines
12 imposed by the Code of Civil Procedure for noticing and filing discovery motions. Ideally,
13 the parties should participate in an IDC before a motion is filed because the IDC may avoid
14 the necessity of a motion or reduce its scope. Because of that possibility, attorneys are
15 encouraged to stipulate to extend the 45 (or 60) day deadline for filing a motion to compel
16 further discovery responses in order to allow time to participate in an IDC. If parties do not
17 stipulate to extend the deadlines, the moving party may file the motion to avoid it being
18 deemed untimely. However, the IDC must take place before the motion is heard so it is
19 suggested that the moving party reserve a date for the motion hearing that is at least 60 days
20 after the date when the IDC reservation is made. Motions to Compel Further Discovery
21 Responses are heard at 10:00 a.m. If the IDC is not productive, the moving party may
22 advance the hearing on a Motion to Compel Further Discovery Responses on any available
23 hearing date that complies with the notice requirements of the Code of Civil Procedure.
24
25
26
27

1 12. In order to reserve an IDC, the parties must complete the **Request for Informal**
2 **Discovery Conference for Personal Injury Courts and Response (LACIV 239)** which can
3 be found on the court's website under the Personal Injury tab. The party requesting the IDC
4 must email the completed form to the department's email address. (The email addresses for
5 all four PI Hub courts are listed on the form.) The court will then inform the requesting
6 party of the date and time of the IDC. The requesting party must then notify all parties of the
7 date and time of the IDC.
8

9 13. Time permitting; the PI Hub judges may be available to participate in IDCs to try to
10 resolve other types of discovery disputes.

11 **Ex Parte Applications**

12 14. Under the California Rules of Court, courts may only grant *ex parte* relief upon a
13 showing, by admissible evidence, that the moving party will suffer "irreparable harm,"
14 "immediate danger," or where the moving party identifies "a statutory basis for granting
15 relief *ex parte*." Cal. Rules of Court, Rule 3.1202(c). The PI Courts have no capacity to hear
16 multiple *ex parte* applications or to shorten time to add hearings to their fully booked motion
17 calendars. The PI Courts do not regard the Court's unavailability for timely motion hearings
18 as an "immediate danger" or threat of "irreparable harm" justifying *ex parte* relief. Instead of
19 seeking *ex parte* relief, counsel should reserve the earliest available motion hearing date, and
20 stipulate with all parties to continue the trial to a date thereafter using the Stipulation to
21 Continue Trial, FSC and Related Motion/Discovery Dates (form available on the court's
22 website, PI Court Tab). Counsel should also check the Court Reservation System from time
23 to time because earlier hearing dates may become available as cases settle or counsel
24 otherwise take hearings off calendar.
25
26
27

REQUEST FOR TRANSFER TO INDEPENDENT CALENDAR DEPARTMENT

15. Parties seeking to transfer a case from a PI Court to an Independent Calendar ("I/C") Court shall file (in Room 102 of the Stanley Mosk Courthouse) and serve the Court's "Motion to Transfer Complicated Personal Injury Case to Independent Calendar Court" (form available on the Court's website, PI Courts link). The PI Courts will transfer a matter to an I/C Court if the case is not a "Personal Injury" case as defined in the General Order re General Jurisdiction PI Cases, or if it is "complicated." In determining whether a personal injury case is too "complicated" for the PI Courts to manage, the PI Courts will consider, among other things, whether the case will involve numerous parties, cross-complaints, witnesses (including expert witnesses), and/or pretrial hearings.

16. Parties opposing a motion to transfer have five court days to file (in Room 102) an Opposition (using the same Motion to Transfer form).

17. The PI Courts will not conduct a hearing on any Motion to Transfer to I/C Court. Although the parties may stipulate to transfer a case to an Independent Calendar Department, the PI Courts will make an independent determination whether to transfer the case or not.

GENERAL ORDER – FINAL STATUS CONFERENCE

18. Parties shall comply with the requirements of the PI Courts' "Amended General Order – Final Status Conference," which shall be served with the summons and complaint.

JURY FEES

19. Parties must pay jury fees no later than 365 calendar days after the filing of the initial complaint. (Code Civ. Proc., § 631, subs. (b) and (c).)

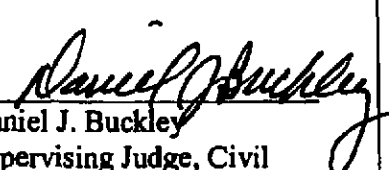
JURY TRIALS

1 20. The PI Courts do not conduct jury trials. On the trial date, a PI Court will transfer the
2 case to the Master Calendar Court in Department One in the Stanley Mosk Courthouse.
3 Department One assigns cases out for trial to dedicated Trial Courts located in the Stanley
4 Mosk, Chatsworth, Van Nuys, Santa Monica, Torrance, Long Beach, Pomona, and Pasadena
5 courthouses.
6

7
8 **SANCTIONS**

9 21. The Court has discretion to impose sanctions for any violation of this general order.
10 (C.C.P. §§ 128.7, 187 and Gov. Code, § 68608, subd. (b).)
11

12 Dated: Nov 10, 2014
13

14 
15 Daniel J. Buckley
16 Supervising Judge, Civil
17 Los Angeles Superior Court
18
19
20
21
22
23
24
25
26
27

FILED
Superior Court Of California
County Of Los Angeles

APR 04 2014

Sherri R. Carter, Executive Officer/Clerk
By Wayne M. Saraki, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

In re Personal Injury Cases Assigned to the) Case No.: BC 56838
Personal Injury Courts (Departments 91, 92,)
93, and 97),) **SECOND AMENDED GENERAL ORDER -
FINAL STATUS CONFERENCE,
PERSONAL INJURY ("PI") COURTS
(Effective as of January 6, 2014)**

The dates for Trial and Final Status Conference ("FSC") having been set in this matter, the Court
**HEREBY AMENDS AND SUPERSEDES ITS July 19, 2013 AMENDED GENERAL
ORDER – FINAL STATUS CONFERENCE AND GENERALLY ORDERS AS
FOLLOWS IN THIS AND ALL OTHER GENERAL JURISDICTION PERSONAL
INJURY ACTIONS:**

1. PURPOSE OF THE FSC

The purpose of the FSC is to verify that the parties/counsel are completely ready to
proceed with trial continuously and efficiently, from day to day, until verdict. The PI Courts
will verify at the FSC that all parties/counsel have (1) prepared the Exhibit binders and Trial
Document binders and (2) met and conferred in an effort to stipulate to ultimate facts, legal
issues, motions *in limine*, and the authentication and admissibility of exhibits.

1 /
2 **2. TRIAL DOCUMENTS TO BE FILED**

3 At least five calendar days prior to the Final Status Conference, the parties/counsel shall serve
4 and file (in Room 102 of the Stanley Mosk Courthouse) the following Trial Readiness
5 Documents:

6 **A. TRIAL BRIEFS (OPTIONAL)**

7 Each party/counsel may file, but is not required to file, a trial brief succinctly identifying:

- 8 (1) the claims and defenses subject to litigation;
9 (2) the major legal issues (with supporting points and authorities);
10 (3) the relief claimed and calculation of damages sought; and
11 (4) any other information that may assist the court at trial.
12

13 **B. MOTIONS *IN LIMINE***

14 Before filing motions *in limine*, the parties/counsel shall comply with the statutory notice
15 provisions of Code of Civil Procedure ("C.C.P.") Section 1005 and the requirements of Los
16 Angeles County Court Rule ("Local Rule") 3.57(a). The caption of each motion *in limine* shall
17 concisely identify the evidence that the moving party seeks to preclude. Parties filing more than
18 one motion *in limine* shall number them consecutively. Parties filing opposition and reply papers
19 shall identify the corresponding motion number in the caption of their papers.

20 **C. JOINT STATEMENT TO BE READ TO THE JURY**

21 For jury trials, the parties/counsel shall work together to prepare and file a joint written statement
22 of the case for the court to read to the jury. Local Rule 3.25(i)(4).
23

24 **D. JOINT WITNESS LIST**
25

1 The parties/counsel shall work together to prepare and file a joint list of all witnesses that each
2 party intends to call (excluding impeachment and rebuttal witnesses). Local Rule 3.25(i)(5).

3 The joint witness list shall identify each witness by name, specify which witnesses are experts,
4 and estimate the length of the direct, cross examination re-direct examination (if any) of each
5 witness. The parties/counsel shall identify and all potential witness scheduling issues and special
6 requirements. Any party/counsel who seeks to elicit testimony from a witness not identified on
7 the witness list must first make a showing of good cause.

8 **E. LIST OF PROPOSED JURY INSTRUCTIONS (JOINT AND**
9 **CONTESTED)**

10 The parties/counsel shall jointly prepare and file a list of proposed jury instructions, organized in
11 numerical order, specifying the instructions upon which all sides agree and the contested
12 instructions, if any.

14 **F. JURY INSTRUCTIONS (JOINT AND CONTESTED)**

15 The parties/counsel shall prepare a complete set of full-text proposed jury instructions, editing all
16 proposed California Civil Jury Instructions for Judges and Attorneys ("CACI") instructions to
17 insert party names and eliminate blanks and irrelevant material. The parties shall prepare special
18 instructions in a format ready for submission to the jury (placing citations of authority and the
19 identity of the requesting party above the text in compliance with Local Rules 3.170 and 3.171).
20

21 **G. JOINT VERDICT FORM(S)**

22 The parties/counsel shall prepare and jointly file a proposed general verdict form or special
23 verdict form (with interrogatories) acceptable to all sides. If the parties/counsel cannot agree on
24
25

1 a joint verdict form, each party must separately file a proposed verdict form. Local Rule
2 3.25(i)(7) and (8).

3 /
4 **H. JOINT EXHIBIT LIST**

5 The parties/counsel shall prepare and file a joint exhibit list organized with columns identifying
6 each exhibit and specifying each party's evidentiary objections, if any, to admission of each
7 exhibit. To comply with Local Rules 3.52(i)(5) and 3.53, the parties shall meet and confer in an
8 effort to resolve objections to the admissibility of each exhibit.

9 **3. EVIDENTIARY EXHIBITS**

10 The parties/counsel shall jointly prepare (and be ready to temporarily lodge for inspection at the
11 FSC), three sets of tabbed, internally paginated and properly-marked exhibits, organized
12 numerically in three-ring binders (a set for the Court, the Judicial Assistant and the witnesses).

13 The parties/counsel shall mark all non-documentary exhibits and insert a simple written
14 description of the exhibit behind the corresponding numerical tab in the exhibit binder.
15

16 **4. TRIAL BINDERS REQUIRED IN THE PI COURTS**

17 The parties/counsel shall jointly prepare (and be ready to temporarily lodge for inspection at
18 the FSC) the Trial Documents, tabbed and organized into three-ring binders as follows:

19 Tab A: Trial Briefs

20 Tab B: Motions *in limine*

21 Tab C: Joint Statement to Be Read to the Jury

22 Tab D: Joint Witness List

23 Tab E: Joint List of Jury Instructions (identifying the agreed upon and contested
24 instructions)
25

1 Tab F: Joint and Contested Jury Instructions


2 Tab G: Joint and/or Contested Verdict Forms

3 The parties shall organize motions *in limine* (tabbed in numerical order) behind tab B with
4 the opposition papers and reply papers for each motion placed directly behind the moving
5 papers. The parties shall organize proposed jury instructions behind tab F, with the agreed upon
6 instructions first in order followed by the contested instructions (including special instructions)
7 submitted by each side.

8 **5. FAILURE TO COMPLY WITH FSC OBLIGATIONS**

9 The court has discretion to require any party/counsel who fails or refuses to comply with this
10 General Order to Show Cause why the court should not impose monetary, evidentiary and/or
11 issue sanctions (including the entry of a default or the striking of an answer).
12

13 Dated this 4th day of April, 2014

14
15 
16 Daniel J. Buckley
17 Supervising Judge, Civil
18 Los Angeles Superior Court
19
20
21
22
23
24
25